UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,803	11/03/2003	Sumit Basu	305123.01	6518

27662 7590 02/05/2008	EXAMINER	
MICROSOFT CORPORATION	GAUTHIER, GERALD	
C/O LYON & HARR, LLP		
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OXNARD, CA 93036	2614	

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02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **_3_** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 November 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-41_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-41_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _03 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _12/01/03_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 38-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "computer readable medium" does not fall in the category of: machine process or composition of matter because it is defined as "modulated data signal" in the specification page, 9, lines 6-27. Therefore "computer readable medium" is a signal and is not a tangible matter, it is nonstatutory subject matter.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1-41** are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson (US 6,823,184 B1).

Regarding **claims 1, 29, 38 and 41**, Nelson discloses a personal digital assistant

for generating conversation utterances to a remote listener in response to a quit

selection, which reads on "computer-implemented process for conducting two-way voice

communications between a user and a remote party over a communication link using a

communication device having a user interface and a display, wherein the remote party

speaks but the user does not" (FIG. 1), comprising using a computer to perform the

following process actions:

displaying a menu listing a plurality of potential responses on the display of the

communication device, said responses being employed by the user to communicate

with the remote party (column 7, lines 30-47); and

upon selection of one of the responses by the user employing the user interface

of the communication device, accessing a pre-recorded voice snippet corresponding to

the selected response, and transmitting a playback of the accessed voice snippet to the

remote party over the communication link (column 8, lines 36-57).

Regarding **claims 2, 30 and 39**, Nelson discloses a process, further comprising

displaying at least one additional menu on the display of the communication device

upon selection of a response from a currently displayed menu, which together with the

original menu form a hierarchy of menus used to construct complete statements when

selected responses from each menu displayed are played back in the sequence they

were selected (column 7, lines 30-47).

Regarding **claims 3, 28, 31 and 40**, Nelson discloses a process, further comprising the process actions of: providing a plurality of back channeling responses which are selectable by the user via the user interface (column 8, lines 36-57); and

upon selection of one of the back channeling responses by the user, accessing a pre-recorded voice snippet corresponding to the selected back channeling response, and transmitting a playback of the accessed voice snippet to the remote party over the communication link (column 8, lines 36-57).

Regarding **claims 4 and 32**, Nelson discloses a process, wherein the back channeling responses comprise at least one of (i) Yes, (ii) OK, (iii) No, (iv) Uh-huh, and (v) What? (FIG. 12 and column 13, lines 58-60).

Regarding **claims 5-8 and 33-36**, Nelson discloses a process, wherein the process for conducting two-way voice communications is activated manually by the user (column 8, lines 36-57).

Regarding **claims 9 and 37**, Nelson discloses a process, wherein the process action of accessing a pre-recorded voice snippet corresponding to the selected response comprises accessing a voice snippet recorded by someone other than the user (column 8, lines 14-35).

Regarding **claims 10-11 and 12**, Nelson discloses a process, wherein the

process action of allowing the user to record voice snippets in their own voice,

comprises the actions of: inputting a command entered by the user via the user

interface to initiate a training mode (column 8, lines 14-35);

inputting a designation of which of the responses the user intends

to record a voice snippet for (column 8, lines 14-35);

recording the voice of the user reciting the designated response (column 8, lines

14-35);

assigning the voice recording to the menu associated with the designated

response as the voice snippet for that response (column 8, lines 14-35); and

storing the voice snippet for future playback (column 8, lines 14-35).

Regarding **claims 13, 14**, Nelson discloses a process, wherein the voice

snippets correspond exactly to the text of its associated response as displayed (column

8, lines 14-35).

Regarding **claims 15-17**, Nelson discloses a process, wherein the text of a

response as displayed represents an abbreviation of the words recorded in the

corresponding voice snippet (column 8, lines 14-35).

Regarding **claims 18-25**, Nelson discloses a process, wherein the responses

available in the second menu comprise a response that the user is talking to the other

party using a two-way voice communications process wherein the user responds by

initiating the playback of voice snippets rather than talking directly (column 8, lines 36-

50).

Regarding **claims 26, 27**, Nelson discloses a process, wherein the process

action of accessing a pre-recorded voice snippet corresponding to the selected

response, comprises an action of accessing a pre-recorded voice snippet in a language

other than that of the text of the response as displayed (column 8, lines 36-50).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-

7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
Art Unit 2614

GG
January 30, 2008